

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EDGARDO COLON)	
Petitioner)	
)	Civil Action No. 04-10280NG
v.)	
)	
UNITED STATES)	
Respondent)	

DEFENDANT EDGARDO COLON'S MOTION TO CONTINUE HEARING

Now Comes Edgardo Colon who respectfully files this Motion to continue the hearing scheduled for November 29, 2004 to another date that is convenient for the Court and the parties. As grounds for this Motion, defendant states the following:

1. Counsel for Mr. Colon is presently on trial before the Honorable Judge Hinkle in Suffolk Superior Court. This trial, which involves first degree murder charges, began November 15, 2004 and is expected to continue through the first week of December if not longer.

2. The name of the case is Commonwealth v. Nelson, Suffolk Superior Court No. 02-10866. This case is proceeding on a full day schedule.

3. Consequently, counsel will not be available until mid December to argue the instant case.

Respectfully submitted,

BY EDGARDO COLON'S ATTORNEY,

/S/ JAMES BUDREAU
JAMES BUDREAU, BAR#553391
20 Park Plaza, Suite 905
Boston, MA 02116
(617) 227-3700

I hereby certify that a true and correct copy of the foregoing document was served by pacer on November 22, 2004 to Assistant U.S. Attorney John Wortmann.

/S/ JAMES BUDREAU
James Budreau

AFFIDAVIT OF JAMES BUDREAU

I, James Budreau, do state that the following is true and accurate to the best of my knowledge:

1. I represent Edgardo Colon in the instant Motion to Vacate.

2. I am presently on trial in Suffolk Superior Court before Judge Hinkle. We are trying a first degree murder case entitled Commonwealth v. Nelson, Suff. No. 02-10866.

3. We are trying the case on a full day basis although there are some breaks from that schedule. The case started on November 15th and is expected to last into the first or second week of December.

Signed under pains and penalties of perjury,

/S/ JAMES BUDREAU

JAMES BUDREAU